

Shagott discloses a modular filtration system (10) for cleaning HVAC ductwork. (Abstract). The Shagott system is a portable filtration unit (10) that contains up to four separate maintained filters: a large particle filter (20), and electrostatic filter (30), a bag filter (38), and a HEPA filter (48). (Col. 2, lines 63-67). The multiple filters exhaust clean air while dealing with the debris found in HVAC ductwork. (Col. 2-3, lines 67 and 1-2).

More particularly, Shagott discloses a filtration unit (10) with several chest-like modules which are maneuvered using carrying handles (84) and are connected for use by cam locks (12). (Col. 3-4, lines 66-67 and 1-2). The filtration unit is of wheel-mounted, modular design, with the motors, blowers and filters housed in separate easily connected compartments. (Col. 3, lines 6-8). The unit contains modules small enough to permit the modular structure to pass through typical residential doorways so that unit can be transported to the HVAC system to be cleaned. (Col. 3, lines 9-13). Inlet module (14) includes an air inlet (16) to which duct connector (18) is attached. (Col. 4, lines 5-7). Duct connector (18) may be straight or angled and join a single duct inlet (16) or may join multiple smaller ducts to inlet (16) for multiple vacuum inlets. (Col. 4, lines 11-14 and Figs. 1 and 4). Therefore, the Shagott patent discloses a filtration unit that is connected externally to the HVAC system.

Unlike the Shagott patent, the present invention discloses an air quality test kit that is placed within an existing filter housing of a heating and ventilation system. The present invention discloses that the support fits within the heating and ventilation system, and that the test filter is installed within the heating and ventilation system. Therefore, the present invention requires a support shaped to fit in the filter housing. The present invention also requires a test filter adjacent to the particulate filter within the filter housing.

The Shagott patent does not disclose an air quality test kit that is installed within an existing heating and ventilation system. In fact, Shagott never mentions placing any of the four filters used in the filtration unit (10) within the heating and ventilation system. Therefore, Shagott does not disclose or teach an air quality test kit having a support and a test filter within the filter housing of an existing heating and ventilation system. Independent claim 1 along with dependent claims 2, 3 and 7 that depend therefrom and independent claim 8 along with

dependent claims 11 and 14 that depend therefrom are allowable over the prior art of record. Accordingly, the rejection of these claims under 35 U.S.C. § 102(b) should be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shagott in view of Basch. As discussed above, independent claims 1 and 8 are not anticipated by Shagott. Therefore, dependent claims 4 and 9 no longer depend from rejected base claims. Accordingly, the rejection of claims 4 and 9 under 35 U.S.C. § 103(a) should be withdrawn.

Claims 6 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shagott in view of Cooper. As discussed above, independent claims 1 and 8 are not anticipated by Shagott. Therefore, dependent claims 6 and 10 no longer depend from rejected base claims. Accordingly, the rejection of claims 6 and 10 under 35 U.S.C. § 103(a) should be withdrawn.

Double Patenting

Claims 1-14 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-8 of U.S. Patent No. 6,672,134 B2 in view of Shagott. "A rejection based on a nonstatutory type of double patenting can be avoided by filing a terminal disclaimer in the application or proceeding in which the rejection is made." MPEP §804.02 II. A terminal disclaimer is enclosed to overcome the double patenting rejection.

Conclusion

In view of the above comments and amendments, it is believed that all claims in the present application are in condition for allowance. Reconsideration and allowance of claims 1-14 is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account 11-0982.

Any inquiries regarding this application should be directed to David R. Fairbairn at (612) 339-1863.

Respectfully submitted,

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